

BETA comments on:

In the Matter of:

City of New Bedford, Massachusetts (Respondent)

EPA DRAFT: 4/02/04

Docket No. TSCA-1-2004-0052

CONSENT AGREEMENT AND FINAL ORDER

Page 1, Second Paragraph:

- Delete the word “further” in line 2.

Page1, Third Paragraph:

- Change the word “before” to “without”

Page 3, Paragraph No. 7:

- The correct date for excavation of the suspect PCB-impacted material is late **1960's**, not 1980's, during site preparation for construction of the High School constructed circa 1970. We really don't know specifically where the PCBs originated, but we suspect PCBs were present either in the ash material excavated from the former burn dump, or within material illegally dumped in other disposal areas located around the burn dump. Our information was largely provided during discussions with Tony Braz and Scott Alfonse, who indicated that there was C&D debris deposited on the site of the current McCoy Field from demolition of buildings on the site of the current High School. Also, they indicated that other illegal dumping had occurred in that area.

Page 3, Paragraph No. 8:

- Our information suggests that the material was spread on the site in 1994; therefore, you may want to change the date to the “**mid-1990's**”.

Page 3, Paragraph No. 9:

- The first date for pre-characterization of the soil, in anticipation of the first environmental contract, was **February 23, 2004**.....On or about **March 9, 2004**, Respondent obtained analytical results for indicating PCBs were present in soil samples collected along the proposed utility corridor at concentrations ranging from non-detect to 61.4 parts per million (ppm).

Page 3, Paragraph No. 12:

- Change “early 1990's” to “**mid-1990's**”. (1994, according to information obtained from Tony Braz.) You may want to insert the word “inadvertently” before the word “diluted”.

Page 4, Paragraph No. 13:

- Change “early 1990’s” to “**mid-1990’s**”.
- As indicated, delete the words “and continuing to present”.
- You may want to consider softening the language to something like “inadvertently diluted wastes containing PCBs by spreading”, rather than “improperly disposed of PCB Remediation Wastes”. The end result is probably the same, but our description is more accurate.

Page 5, Title:

- Change Title to “**PCB-Impacted Waste Removal in Utility Corridors and at Pile Cap and Grade Beam Locations**”. This will help us achieve schedule by preparing the building footprint area for pile driving under the first contract, rather than waiting for soil remediation to take place under Environmental Contract #2.

Page 5, Paragraph No. 18:

- Date of Work Plan should be “**April 16, 2004**”.
- Add the words “and in the vicinity of the proposed building pile caps and grade beams” after the word “corridors”.

Page 5, Paragraph No. 19:

- Delete the original text and replace with the following:

“Respondent has initiated a series of public meetings and associated activities to address concerns of the public related to upcoming construction activities at the Site. At a minimum, such public meetings will include:

- April 7, 2004 - Public Meeting at Keith Junior High School Auditorium regarding construction activities to be performed under the first environmental contract.
- April 28, 2004 – Community Meeting at Keith Junior High School Auditorium to present overall building program for new Keith Middle School at the subject Site.
- May 5, 2004 – First Public Involvement Plan (PIP)* meeting at Keith Junior High School Auditorium to present the PIP and solicit input from the public.

Subsequent meetings will be scheduled, based upon results of the first PIP Meeting, to meet the needs of the public.”

Page 5, Paragraph No. 20:

- Date is proposed to be **August 30, 2004** to prepare and submit all required documentation.

Page 5, Paragraph No. 21:

- Add the phrase “and the locations of the proposed pile caps and grade beams” after the word “corridors”.

* In accordance with the requirements of the “Massachusetts Contingency Plan”.

Page 5, Paragraph No. 22:

- Add the phrase “and the locations of the proposed pile caps and grade beams” after the word “corridors”, on both lines 2 and 5.

Page 8, Paragraph No. 28:

- Add the phrase “and the locations of the proposed pile caps and grade beams” after the word “areas” on Line 3.

End of Comments

{In Archive} Re: McCoy Field

Greg Dain to: Jane Medeiros Friedman

04/09/2004 12:01 PM

Archive: This message is being viewed in an archive.

Thanks. I look forward to hearing from you on Monday.

Greg

Jane Medeiros Friedman <Jane.Medeiros.Friedman@ci.new-bedford.ma.us>



Jane Medeiros
Friedman

<Jane.Medeiros.Friedman@ci.new-bedford.ma.us>

04/09/2004 11:57 AM

To: Greg Dain/R1/USEPA/US@EPA

cc:

Subject: McCoy Field

Attorney Dain:

I'm still waiting for information needed to fill in the blanks, so I will need to get that to you on Monday. I did have an opportunity to review the deeds and the Plat and Lot info included with the NOI and I believe the following provides a clearer explanation of the City's ownership of the site:

The City of New Bedford acquired the McCoy Field site through a Treasurer's Deed to the City, recorded in the Bristol County Registry of Deeds (S.D.) at Book 849, Page 329, which includes Plat 69, Lots 125-132 and 135-142; and through a Treasurer's Deed to the City, recorded in the Bristol County Registry of Deeds (S.D.) at Book 885, Page 401, which includes Plat 75, Lots 167-174, 177-184, 209-228, 292-342.

The City's comments with regard to the language are limited to those issues we already discussed. However, I provided a copy to the Consent Agreement to the City's LSP, Alan Hanscom and, unfortunately, we have been missing each others phone calls. As soon as I hear back from him I will let you know if there are any additional comments.

Thanks.

Jane

Medeiros Friedman

Jane Medeiros Friedman, Esq.
Associate Solicitor ~ City of New Bedford
133 William Street
New Bedford, MA 02740
Tel: 508-979-1460
Fax: 508-979-1515

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in error, please notify us immediately and delete it from your system.



{In Archive} McCoy Field
Jane Medeiros Friedman to: Greg Dain

04/09/2004 11:59 AM

Archive: This message is being viewed in an archive.

Attorney Dain:

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Thanks.

Jane Medeiros Friedman

Jane Medeiros Friedman, Esq.
Associate Solicitor ~ City of New Bedford
133 William Street
New Bedford, MA 02740
Tel: 508-979-1460
Fax: 508-979-1515

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{In Archive} Re: FW: Q & A Handout for New Keith Middle School
Greg Dain to: Jane Medeiros Friedman

04/07/2004 11:01 AM

Archive: This message is being viewed in an archive.

Jane,

Can you answer the question my boss asks below about an advisory committee?

Thanks. Greg

----- Forwarded by Greg Dain/R1/USEPA/US on 04/07/2004 11:00 AM -----

Deborah Brown

04/07/2004 10:57 AM

To: Greg Dain/R1/USEPA/US@EPA

cc: Catherine Smith/R1/USEPA/US@EPA, Kimberly

Tisa/R1/USEPA/US@EPA, Marianne Milette/R1/USEPA/US@EPA

Subject: Re: FW: Q & A Handout for New Keith Middle School

do they have an advisory committee?
Greg Dain

Greg Dain

04/07/2004 10:53 AM

To: Kimberly Tisa/R1/USEPA/US@EPA, Marianne

Milette/R1/USEPA/US@EPA, Catherine Smith/R1/USEPA/US@EPA,

Deborah Brown/R1/USEPA/US@EPA

cc:

Subject: FW: Q & A Handout for New Keith Middle School

FYI

----- Forwarded by Greg Dain/R1/USEPA/US on 04/07/2004 10:52 AM -----



Jane Medeiros
Friedman

<Jane.Medeiros.Friedman@ci.new-bedford.ma.us>

04/07/2004 10:49 AM

To: Greg Dain/R1/USEPA/US@EPA

cc:

Subject: FW: Q & A Handout for New Keith Middle School

Attorney Dain:

Enclosed, please find a draft of the Q & A Handout for this evening's public meeting. I will provide the Assessor's Map and Lot info. to you on Friday. Hopefully, by that time I will also have the information to fill in the blanks as well as any remaining comments that the City may have. The language I propose for paragraph 9 is as follows:

Beginning on or about [date] Respondent conducted analytical sampling of soil, fill and organic silt at the site. The sampling was conducted by Respondent in preparation for planned excavations required for the installation of underground utilities associated with a public school building Respondent plans to construct at the Site. Analytical results of the sampling indicated that PCB's were present at concentrations ranging from non-detect to less than 50 parts per million (ppm). On or about March ____, 2004, Respondent obtained analytical results indicating PCB' were present at concentrations ranging from non-detect to 50 parts per million (ppm) or greater.

Sincerely yours,
Jane Medeiros Friedman

-----Original Message-----

From: Jackie Huggins [mailto:JHuggins@BETA-Inc.com]

Sent: Wednesday, April 07, 2004 9:08 AM

To: Lawrence W. Oliveira; 'EWarner@mvgarchitects.com'; Scott Alfonse; Matthew Thomas; Jane Medeiros Friedman

Cc: Alan Hanscom

Subject: Q & A Handout for New Keith Middle School

Good Morning,

I am working with Alan Hanscom to finalize the attached Draft Q&A Handout for tonight's meeting. We would greatly appreciate any comments you might have by 12:00 PM today so that we can prepare the appropriate number of copies for the meeting.

Thank you very much.



Jackie Huggins QA040704page2.doc QA040704page1.doc

7. With numerous trucks entering and leaving the site, what measures will be taken for the safety of our children?

The contract documents provide for a full-time City police detail to control traffic at the southwest corner of the site, where trucks will enter and leave the site. The location of truck access to the site will be identified at the Public Meeting.

8. Should we be concerned about contaminated soil leaving the site on truck wheels?

Soil contamination on vehicle wheels or other parts of transport vehicles will not be permitted. If directed by the Environmental Engineer (BETA), the Contractor will be required to set up a decontamination area to wash down the trucks before entering City streets.

9. Where will the excavated soil be disposed?

Much of the contaminated soil will be shipped and disposed at a "special waste" landfill under a bill-of-lading. Other disposal options are provided for in the contract documents; actual off-site disposal locations will be dependent upon the results of ongoing sampling and analyses. Advance sampling and analyses result in cost savings to the City, because the Contractor is able to excavate and load trucks directly, without excessive handling and stockpiling.

10. The site has been designated a Public Involvement Plan (PIP) site by the Massachusetts Department of Environmental Protection (MA DEP). When will the PIP be available and when will the first meeting be held to address site contamination and risk assessment questions?

The DRAFT PIP will be submitted to the MA DEP by the end of April 2004. It should be available for distribution to the public at or before the first meeting, which is tentatively scheduled for May 19, 2004; a public notice will be issued at least 14 days prior to the meeting.

11. Who is the point of contact for issues that may arise over the course of construction?

The City has retained an architectural firm, Mount Vernon Group, Inc., to oversee the City's School Building Program. They are supported by engineering consultants who are responsible for various design aspects of the project, including Moriece & Gary (site/civil), Miller Engineering, Inc. (geotechnical) and BETA Group, Inc. (environmental). The actual points of contact for the City, the School Department, and the respective firms will be addressed at tonight's Public Meeting.

12. How can I be added to the Mailing List, so that I can be kept abreast of project developments?

Please sign up on the Mailing List provided at tonight's Public Meeting.

Commonly Asked Questions & Answers

1. What is the purpose of tonight's meeting?

The purpose of the meeting is to inform the public of the upcoming Keith Middle School construction project, to address questions regarding construction issues, and to outline the schedule for implementing a Public Involvement Plan (PIP) for the site. This meeting is not a PIP Meeting.

2. What contaminants are present at McCoy Field and how did they get there?

The primary contaminants of concern are polychlorinated biphenyls (PCBs), lead, barium, and polynuclear aromatic hydrocarbons (PAHs). The contamination is associated with former City burn dump wastes excavated during construction of the current High School circa 1970, plus uncontrolled dumping of demolition and other miscellaneous wastes in the area.

3. My children have been playing soccer on McCoy Field for years. Have they been exposed to PCBs or other contaminants?

The only area where surface soil contamination was detected above residential exposure standards is in the wetland immediately adjacent to the playing fields. Access to this area has been restricted through the use of temporary fencing.

4. Would inhalation of dust generated during construction activities be hazardous to health? If so, how will dust be controlled during construction activities?

Most dusts emanating from the site will be harmless; however, there is a potential that dusts contaminated with PCBs and/or other contaminants could be generated during construction. Such dusts could pose a risk to certain City residents. To reduce that risk, there are strict provisions in the Construction Contract for dust control. In most cases, the Contractor will control dusts by keeping the excavated soil wet through periodic watering with a sprinkler or garden hose.

5. When will construction of the new school start and when will it end?

Construction of the school building is scheduled to start in September 2004 and be completed in September 2006. In the meantime, we will prepare the site for building construction by creating clean corridors for subsurface utilities and stabilizing the embankment along the wetland area.

6. Will the excavation be fenced off so that it does not pose a safety hazard?

The contract has provisions for a temporary fence to keep trespassers off the construction site. That fence will be replaced by a permanent fence under a future contract. Temporary fencing may also be used to isolate certain excavation areas.

